



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

June 6, 2019

By ECF

Honorable I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: O'Hara v. City of New York, *et al.*
No. 17-cv-4766 (ILG) (SMG)

Dear Judge Glasser:

The New York State Office of the Attorney General represents defendants Wait, Brennan and Keefe in this matter. I write jointly with Corey Cohen and Elissa Fudim, counsel for co-defendants, to request that the Court reinstate the previously-granted stay pending the substitution of a proper party in lieu of defendant Charles J. Hynes in light of the Court's recent decision granting in part and denying in part defendants' motions to dismiss the complaint.

As Your Honor will recall, plaintiff moved for a stay of the proceedings due to the death of Mr. Hynes pending substitution (ECF No. 59), which the Court granted on February 27, 2019 (ECF No. 61). During a telephonic conference with the Court on April 19, 2019, defendants requested that the stay be lifted for the purpose of deciding the defendants' fully-briefed motions to dismiss (ECF No. 62). After defendants submitted legal authority supporting the proposition that the Court's decision on the pending motions would be binding on Mr. Hynes's Estate, the Court lifted the stay (ECF No. 66). By Decision and Order issued on May 31, 2019, the Court granted in part and denied in part defendants' motions, allowing plaintiff's malicious prosecution and related conspiracy claims to proceed (ECF No. 68).

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As the defendants will now be required to answer the complaint and proceed with discovery, the previously-granted stay should be reinstated until a proper party is substituted in lieu of defendant Hynes. In addition, defendants request that they be granted 30 days from the date that the stay is lifted to file their answers to the complaint given the length and complexity of the pleadings. Plaintiff's counsel consents to this request.

Respectfully submitted,

/s/ Andrew Amer
Andrew Amer
Special Litigation Counsel
(212) 416-6127

cc: Counsel of Record (via ECF)

Stay of proceedings
restored until
July 8th, 2019
for report of
status of appointment
of Estate Representative
So Ordered
JH Glasser
6/7/19

Request regarding
extension of time to
answer is granted
So Ordered
JH Glasser